

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CAITLIN PEYTON, individually and on :  
behalf of all others similarly situated, :  
Plaintiff, : **ORDER**  
v. : 21 CV 5880 (VB)  
WALMART, INC., :  
Defendant. :  
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Defendant's motion to dismiss the amended complaint pursuant to Rules 12(b)(1) and 12(b)(6) (Doc. #16) is GRANTED IN PART and DENIED IN PART. Plaintiff having withdrawn her claims for breach of implied warranty and for injunctive relief, those claims are dismissed. Plaintiff's unjust enrichment claim is also dismissed. All other claims may proceed.

A case management conference is scheduled for June 30, 2022, at 12:15 p.m., at which time the Court will issue a bench ruling explaining the basis for its decision. The conference will also serve as an initial conference in this matter, for which the Court will separately issue a Notice of Initial Conference. The conference will take place at the United States Courthouse, Room 620, 300 Quarropas Street, White Plains, New York.

Defendant shall file its answer by June 6, 2022.

The Clerk is instructed to terminate the motion. (Doc. #16).

Dated: May 23, 2022  
White Plains, NY

SO ORDERED:



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Vincent L. Briccetti  
United States District Judge